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EXAMINER

BASHORE, WILLIAM L

ART UNIT PAPER NUMBER

2176

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,762

Applicant(s)

ADAMS, WESLEY

Examiner

William L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/3/2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-31 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 9-31 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

1. This action is responsive to communications: Applicant's Response to Restriction Requirement, said response filed 1/3/2005. The filing date of the instant application is **2/19/2002**.
2. Please be advised that the instant application has now been assigned to examiner William L. Bashore (Art Unit 2176). Please update future correspondence accordingly.
3. Claims 9-31 pending. Claims 1-8, 32-35 have been canceled (see below). Claims 9, 12, 22, 27, 31 are independent claims.

Election/Restrictions

4. Applicant's election without traverse of claims 9-31 in the reply filed on 1/3/2005 is acknowledged.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 9-11, 22-28, 30-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Marotta et al. (hereinafter Marotta), U.S. Patent Application Publication No. US 2002/0169667 A1, with provisional filing date of March 13, 2001.**

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In regard to independent claim 9, Marotta discloses an automated media content submission method for use in clearing network advertisements (i.e. checking media spot content) (Marotta Abstract; compare with claim 9 “*A method of checking content comprising:*”).

Marotta discloses receiving an electronic package (a clearance job) containing various content, said job transmitted to a clearance organization, which in turn, is submitted to various organizations for review (Marotta paragraph [0012], [0013], [0014]; compare with claim 9 “*receiving an electronic package from a submitter, the electronic package containing at least one content item;*”, and “*viewing a content item;*”).

Marotta discloses an organization entering a comment regarding a content item (Marotta paragraph [0030]). Marotta also discloses different associated organizations (Marotta paragraph [0035]), as well as at least two organizations “advertising standards departments”, and “legal users” (i.e. legal organizations) that need to add comments (or further comments) to a job (i.e. intended recipients) (Marotta paragraph [0061] at top, and paragraph [0058], [0062]). The comments, attachments, etc. are delivered back to the network clearance department (compare with claim 9 “*entering a comment on the comment item;*”, “*collecting further comments from one or more entities;*”, and “*transmitting the comments and the further comments to the submitter.*”). It is noted that commercial television advertising spots are closely linked to legal departments (i.e. avoiding contract breaches from competing advertisers, use of jingles, logos, etc.).

In regard to dependent claims 10, 11, Marotta discloses submitting a job to an “Advertising Standards Department, as well as legal organizations (Marotta paragraph [0030], [0061], [0062]). It is noted that commercial television advertising spots are closely linked to legal departments (i.e. avoiding contract breaches from competing advertisers, use of jingles, logos, etc.).

In regard to independent claim 22, claim 22 incorporates substantially similar subject matter as claimed in claim 9, and in further view of the following, is rejected along the same rationale.

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Marotta discloses a submission form (Marotta Figures 4-5), as well as information about a submission (Marotta paragraph [0058], [0059]).

In regard to dependent claims 23-26, Marotta discloses encoded files, advertisers, television companies, clearance providers (Marotta paragraph [0052], [0054], [0057], [0030], [0035]).

In regard to independent claim 27, claim 27 reflects the system comprising computer readable instructions used for implementing the methods as claimed in claim 22, and is rejected along the same rationale.

In regard to dependent claims 28, 30, Marotta discloses MPEG (codec) (Marotta paragraph [0058]). Marotta discloses a clearance provider system (Marotta paragraph [0030]).

In regard to independent claim 31, claim 31 reflects the system comprising computer readable instructions used for implementing the methods as claimed in claim 22, and is rejected along the same rationale.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 12-21, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marotta.**

In regard to independent claim 12, Marotta discloses an automated media content submission method for use in clearing network advertisements (i.e. checking media spot content).

Marotta discloses receiving an electronic package (a clearance job) containing various content, said job transmitted to a clearance organization, which in turn, is submitted to various organizations for review (Marotta paragraph [0012], [0013], [0014]).

Marotta discloses an organization entering a comment regarding a content item (Marotta paragraph [0030]). Marotta also discloses different associated organizations (Marotta paragraph [0035]), as well as at least two organizations “advertising standards departments”, and “legal users” (i.e. legal organizations) that need to add comments (or further comments) to a job (Marotta paragraph [0061] at top, and paragraph [0058], [0062]). The comments, attachments, etc. are delivered back to the network clearance department). It is noted that commercial television advertising spots are closely linked to legal departments (i.e. avoiding contract breaches from competing advertisers, use of jingles, logos, etc.).

Marotta discloses an advertising account containing Project B, in turn containing various clearance jobs associated with clearance of advertising spots (Marotta paragraph [0048]), each job having at least a title (or some form of identifier) assigned to each job, so that each job can be differentiated accordingly. Marotta also discloses metadata fields for organizational purposes, and for defining the content media involved (Marotta paragraph [0052], [0053]).

Marotta discloses a submission form (Marotta Figure 4).

Marotta does not specifically teach a “spot count”. However, Since Marotta’s invention deals with organization of media jobs into various accounts for clearance and review, etc., it would have been obvious to one of ordinary skill in the art at the time of the invention to include some form of user submitted count of the

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number of jobs submitted, providing Marotta the benefit of increased organization, so that all jobs can be accounted for and associated with a user accordingly.

In regard to dependent claims 13-21, Marotta teaches MPEG files (Marotta paragraph [0058]).

Marotta does not specifically teach QuickTime, as well as an encoding station. However, since QuickTime movies are well known in the commercial media art, it would have been obvious to one of ordinary skill in the art at the time of the invention to encode using QuickTime, and to modify Marotta to accept QuickTime (along with MPEG), providing Marotta the benefit of versatile user submission, especially with users utilizing graphic media friendly computer platforms (i.e. Apple, etc.)

Marotta teaches a file description, an ISCI code, and a plurality of job spots (Marotta paragraphs [0047], [0048], [0059]).

Marotta teaches completing/submitting a form (Marotta Figure 4, also paragraph [0052]).

Marotta teaches submission of a tape cassette (Marotta paragraph [0027]).

Marotta teaches that its invention can be used in the television broadcasting industry (i.e. television networks) (Marotta paragraph [0012]).

Marotta teaches returning feedback to a user (Marotta paragraph [0062]).

In regard to dependent claim 29, Marotta teaches MPEG files (Marotta paragraph [0058]). Marotta does not specifically teach QuickTime, as well as an encoding station. However, since QuickTime movies are well known in the commercial media art, it would have been obvious to one of ordinary skill in the art at the time of the invention to encode using QuickTime, and to modify Marotta to accept QuickTime (along with MPEG), providing Marotta the benefit of versatile user submission, especially with users utilizing graphic media friendly computer platforms (i.e. Apple, etc.)


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Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 11:30am - 8:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


WILLIAM L. BASHORE
PRIMARY EXAMINER

April 30, 2005